United Nations A/HRC/30/NGO/62

General Assembly

Distr.: General
4 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15031(E)

Please recycle

The public space: an un-welcomed space for women in Egypt

Women Human Rights Defenders (WHRDs) and feminists in Egypt are paying a hefty price for their activism and defense of various rights. While some continue their imprisonment for charges connected with breach of the infamous Protest and Public Assembly Law (No. 107 of the Year 2013), others face travel bans that they learn about by coincidence, and those who witness violations and choose to submit their testimonies as witnesses, become defendants, having their verdict of innocence get appealed by the Prosecution office.

An emblematic case is that of WHRD, Lawyer and Feminist Azza Soliman (Case No. 2841 for the year 2015), which is related to the killing of WHRD Shaimaa ElSabbagh during a peaceful protest on January 24, 2015 on the eve of the 4th anniversary of the January 25th revolution, comprising of 20 - 30 protesters commemorating the martyrs of the revolution. Ms. ElSabbagh was shot by bird pellets in the back, which led to severe bleeding in her chest cavity due to laceration of the heart and lungs, as stated in the Forensic Medicine Administration's autopsy report. Azza Soliman, WHRD, Lawyer and the Head of the Trustees Board in the Center for Egyptian Women's Legal Assistance (CEWLA), witnessed the incident and when she voluntarily went to testify at the Prosecutor's Office, she herself was turned into a suspect and charges were directed at her that include rallying and participating in a demonstration that jeopardized public security. Even though she was acquitted on 23 May 2015, the prosecution office appealed the verdict and the Qasr ElNile Appeal Court will issue the verdict on 26 September 2015, which could issue a verdict to punish Ms. Soliman for her activism and the testimony she submitted.

Another important case is that of the seven WHRDs (Case No. 8429 for the year 2014) Ms. Sanaa Seif, Ms. Yara Sallam, Ms. Hanan Mustafa Mohamed, Ms. Salwa Mihriz, Ms. Samar Ibrahim, Ms. Nahid Sherif (known as Nahid Bebo) and Ms. Fikreya Mohamed (known as Rania El-Sheikh) arrested on 21 June 2014 for protesting peacefully against the Protest and Public Assembly Law (No. 107 issued on November 24, 2013). They were sentenced to three years imprisonment, 3 years monitoring and a fine of EGP 10,000 (USD 1398.60) by the Heliopolis Misdemeanor Court on October 26, 2014, and the Abbasia Appeal Court reduced the sentence to two years imprisonment and 2 years surveillance on December 28, 2014.

Other tactics to punish WHRDs is the issuance of travel bans, such as that issued against prominent WHRD Esraa AbdelFattah on 13 January 2015 (Case No. 25465 of 69 Judicial Year), who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany. Moreover, the Administrative Court issued a verdict on 16 June 2015 confirming her travel ban.

In addition, a shocking lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case (Case No. 8629 for the Year 2011) by the Sayeda Zeinab Felonies Court, which its incidents date back to December 16 - 20, 2011 which included the infamous "blue-bra girl" incident, where among the 230 against which the verdict was issued are 8 WHRDs, including Hend Nafe', who is a staff member at Hisham Mubarak Law Center, and the Founder of "Watan Bila Ta'zib" (A Nation Free of Torture), in addition to a female minor among 38 minors who were sentenced to 10 years imprisonment. The trial is currently being re-conducted for 29 defendants, including 3 WHRDs, one of whom was a minor, namely Ne'ama Ali Saeed Mesallam, during the concerned incidents. Her case has been transferred to the juvenile court and she has been released on April 8, 2015, while the other 2 are still detained since March 3, 2015, namely Shaimaa Ahmed Saad and Abeer Saeed Mohamed Mostafa. They are currently at Qanater Women's Prison and their next court session is scheduled for 3 September 2015. it is important to state that Mrs. Abeer Saeed Mohamed Mostafa is a 39 years old Woman Human Rights Defender (WHRD) and mother of a 22 years old son. Ms. Saeed has been subjected to torture during her arrest after the violent dispersal of the Ministerial Cabinet sit- in during 16 - 20 December 2011, which resulted in her sustaining a deep wound in her head that required 15 stitches approximately, based on information obtained from her. She also sustained a wound in the top of her left thigh as a result of being electrocuted with an electric stick, which more than 3 years later, is still causing her pain, and a mass has been formed in the place of the wound, and experiences numbness in her leg. Mrs. Saeed was volunteering in the field hospital at the time of the concerned sit-in to help the injured defendants by taking out the bird-pellet shots from their bodies and giving them injections needed as prescribed by field physicians.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015 for Case No. 6868 for the year 2013, by El Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry

along with other 9 activists from Alexandria to two years in prison and bail amounting to 5000 EGP (655.37USD) to suspend the verdict, over charges that include: Attacking and causing injuries to the police officers of El Raml Police Station; Breaking into the police station; Destruction of some of its contents; Disabling work flow along with terrorizing and intimidating citizens in March 2013. On 31 May 2015, the ElRaml Misdemeanor Court issued a verdict of imprisonment for Mahienour El-Massry and 2 other activists for one year and 3 months, and she is currently detained in Damanhour Women's Prison.

Sexual violence against women in the public space is another grave problem. A national strategy to combat violence against women has been announced and published on May 7, 2015, yet, we emphasize the importance of monitoring its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape. It also fails to address the rights of the survivors and their protection when submitting reports. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent is proven to be related to obtaining sexual benefits. With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for mob-sexual assaults and gang rapes committed since November 2012. Finally, in the recent feast in July 2015 mob-sexual assaults and sexual harassment were rampant in the streets and in particular in downtown areas, despite the fact that there was a presence from the security forces and the Administration to Combat Violence against Women in venues of crowds, and according to the Director of the concerned Administration, 86 perpetrators were arrested.

In regards to political participation, there are clear flaws within the current Egyptian government's approach to enabling women's participation. For instance, in the upcoming parliamentary elections there is a quota only on the absolute lists (There are 568 seats in parliament, 120 of which are reserved for the absolute lists) which will result in women having 56 seats out of 120. The law states that the president can appoint 3 -5 percent of the elected parliament or up to 27 members, half of which must be women (this law is not obligatory and the president may choose to appoint no parliament members or appoint any number- half of which must be women). Therefore, the representation of women could range between 10.374 percent (This is the case if the president does not appoint *any* members) and 14.65 percent (This is the case if the president decided to appoint all female members) at best. Despite the fact that this is a higher representation than the 2011/2012 parliament, it remains a low percentage for women, given that 420 seats will be elected based on first-past-the-post system and there is no quota set for women on the individual seats.

In addition, the parliamentary elections were postponed once more based on the Constitutional Court ruling on March 1st, 2015 that deemed the law on constituency division unconstitutional. Currently, there's no transparent timeline set for the elections by the government, and new legislations are drafted, reviewed and passed in the absence of an elected legislative body.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

1. The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

2. The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

3. The Egyptian authorities need to take all measures to proceed with the processing of the Ittihadia Presidential Palace case in which 7 WHRDs have been sentenced as outlined above, at the Court of Cassation as quickly as possible to revoke the issued verdict.

4. The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

5. Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

6. Enact the implementation of the holistic and comprehensive national strategy to combat violence against women that was publicly announced on May 7, 2015, and legislation, which should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring.

7. Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

8. Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

9. Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism, that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.

10. The state should work towards having more women in the different judicial bodies need to include more women in different judicial bodies.